

*AL/s*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JUN 4 2014

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

(1) NAVICO INC. and (2) NAVICO  
HOLDING AS,

Plaintiffs,

v.

(1) GARMIN INTERNATIONAL, INC.,  
and (2) GARMIN USA, INC.,

Defendants.

**14 CV - 303 JED - TLW**  
Case No. \_\_\_\_\_

**Jury Trial Demanded**

**COMPLAINT**

Plaintiffs Navico Inc. and Navico Holding AS (collectively “Navico”) hereby file this Complaint (“Complaint”) against Garmin International, Inc. and Garmin USA, Inc. (“Garmin”), and allege on personal knowledge as to their actions, and upon information and belief as to the actions of others, as follows:

**NATURE OF THE SUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. Navico Inc. is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 4500 South 129<sup>th</sup> East Avenue, Suite 200, Tulsa, Oklahoma 74134.

*AL/s*

3. Navico Holding AS is a corporation organized and existing under the laws of Norway, having a principal place of business at Nyaskaiveien 2, 4370 Egersund, Norway.

4. Navico Inc. is a supplier of marine electronic equipment.

5. On October 30, 2012, United States Patent No. 8,300,499 (“the ’499 patent”) was duly and legally issued for an invention entitled, “Linear and Circular Downscan Imaging Sonar.” A true and correct copy of the ’499 patent is attached hereto at Exhibit A.

6. On November 6, 2012, United States Patent No. 8,305,840 (“the ’840 patent”) was duly and legally issued for an invention entitled, “Downscan Imaging Sonar.” A true and correct copy of the ’840 patent is attached hereto as Exhibit B.

7. On December 10, 2013, United States Patent No. 8,605,550 (“the ’550 patent”) was duly and legally issued for an invention entitled, “Downscan Imaging Sonar.” A true and correct copy of the ’840 patent is attached hereto as Exhibit C.

8. Navico Holding AS is the owner and assignee of the ’499 patent, and Navico Inc. is an exclusive licensee under the ’499 patent. Together, Navico owns all right, title, and interest in and to the ’499 patent.

9. Navico Holding AS is the owner and assignee of the ’840 patent, and Navico Inc. is an exclusive licensee under the ’840 patent. Together, Navico owns all right, title, and interest in and to the ’840 patent.

10. Navico Holding AS is the owner and assignee of the ’550 patent, and Navico Inc. is an exclusive licensee under the ’550 patent. Together, Navico owns all right, title, and interest in and to the ’550 patent.

11. Defendant Garmin International, Inc. is a company organized and existing under the laws of the State of Kansas, having a principal place of business at 1200 East 121<sup>st</sup> Street, Olathe, Kansas 66062. Garmin International, Inc. maintains a registered agent in Oklahoma at the following address: National Registered Agents Inc., 1833 South Morgan Road, Oklahoma City, OK 73128.

12. Defendant Garmin USA, Inc. is a company organized and existing under the laws of the State of Kansas, having a principal place of business at 1200 East 121<sup>st</sup> Street, Olathe, Kansas, 66062. Garmin USA, Inc. maintains a registered agent in Oklahoma at the following address: National Registered Agents Inc., 1833 South Morgan Road, Oklahoma City, OK 73128.

#### **JURISDICTION AND VENUE**

13. This Court has subject-matter jurisdiction over this action upon at least the following grounds:

- (a) 28 U.S.C. § 1331, this being a civil action arising under the laws of the United States; and
- (b) 28 U.S.C. § 1338(a), this being a civil action arising under the Patent Laws of the United States, namely, 35 U.S.C. § 1 *et seq.*;

14. This Court has personal jurisdiction over Garmin inasmuch as Garmin is doing business in this State, is licensed to conduct business in this State, has significant contacts with this State, has offered for sale and sold infringing products in this State, maintains sales representatives and engineering facilities in this State, has purposefully shipped or caused to be shipped infringing products into this State through established

distribution channels, and/or has committed acts in this State that are the subject of the counts set forth herein.

15. Venue is proper in this District under the provisions of 28 U.S.C. § 1391(b) and (c) insofar as Garmin has committed acts of infringement in this District.

**COUNT I**  
**INFRINGEMENT OF THE '499 PATENT UNDER 35 U.S.C. § 271**

16. Navico incorporates by reference the allegations contained in Paragraphs 1 through 15 above.

17. Pursuant to 35 U.S.C. § 282, the '499 patent is presumed valid.

18. Garmin has made, used, sold, offered to sell, and/or imported into the United States sonar systems with linear and circular downscan imaging, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, and DownVü transducers that infringe the '499 patent, and continues to do so without authority from Navico.

19. Garmin is directly infringing, literally and/or under the doctrine of equivalents, the '499 patent, including but not limited to Claim 1 of the '499 patent.

20. Garmin's infringing acts include, but are not limited to, the importation, use, sale, and/or offer for sale of infringing sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, and DownVü

transducers. Garmin is therefore liable for direct infringement of the '499 patent pursuant to 35 U.S.C. § 271(a).

21. Garmin has indirectly infringed the '499 patent by inducing infringement under 35 U.S.C. § 271(b) and by contributing to infringement under 35 U.S.C. § 271(c).

22. Garmin markets, advertises, sells, and offers for sale its sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, and DownVu transducers, to retailers, distributors, and end users.

23. Garmin's retailers, distributors, and end users directly infringe, literally and/or under the doctrine of equivalents, the '499 patent by acts which include, but are not limited to, using the infringing sonar systems in a manner claimed in the '499 patent.

24. Garmin has knowledge of the '499 patent and has known of the '499 patent since at least as early as November 14, 2013.

25. Despite knowledge of the '499 patent, Garmin actively encourages and induces its retailers, distributors, and end users to infringe the '499 patent through, among other things, Garmin's marketing materials, advertising materials, user manuals, and installation manuals. These materials instruct, encourage, and induce Garmin's retailers, distributors, and end users to directly infringe the '499 patent.

26. As such, Garmin has knowingly induced and continued to induce direct infringement of the '499 patent by its retailers, distributors, and end users.

27. Garmin contributes to direct infringement of the '499 patent by its retailers, distributors, and end users by selling, offering for sale, and/or importing its

sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, and DownVu transducers. Such sonar systems constitute a material part of the invention of the '499 patent, are not a staple article or commodity of commerce suitable for substantial noninfringing use, and are known by Garmin to be especially made and adapted for use in an infringement of the '499 patent.

28. Garmin's infringement of the '499 patent has been and is willful and deliberate, despite knowing of its infringement and/or having an objectively high likelihood that its actions constitute infringement and/or having a deliberate disregard of, or being willfully blind to, its infringement.

29. Garmin's infringing activities have harmed Navico, and Navico is entitled to recover damages adequate to compensate it for such infringement. Further, Garmin's infringing activities are harming Navico and will continue to harm Navico, causing irreparable injury for which there is no adequate remedy at law unless and until preliminarily and permanently enjoined by the Court.

**COUNT II**  
**INFRINGEMENT OF THE '840 PATENT UNDER 35 U.S.C. § 271**

30. Navico incorporates by reference the allegations contained in Paragraphs 1 through 15 above.

31. Pursuant to 35 U.S.C. § 282, the '840 patent is presumed valid.

32. Garmin has made, used, sold, offered to sell, and/or imported into the United States sonar systems with downscan imaging, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP

50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, GCV 10, DownVü transducers, and DownVü/SideVü transducer, that infringe the '840 patent, and continues to do so without authority from Navico.

33. Garmin is directly infringing, literally and/or under the doctrine of equivalents, the '840 patent, including but not limited to Claim 1 of the '840 patent.

34. Garmin's infringing acts include, but are not limited to, the manufacture, use, sale, offer for sale, and/or importation of infringing sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, GCV 10, DownVü transducers, and DownVü/SideVü transducer. Garmin is therefore liable for direct infringement of the '840 patent pursuant to 35 U.S.C. § 271(a).

35. Garmin has indirectly infringed the '840 patent by inducing infringement under 35 U.S.C. § 271(b) and by contributing to infringement under 35 U.S.C. § 271(c).

36. Garmin markets, advertises, sells, and offers for sale its sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, GCV 10, DownVü transducers, and DownVü/SideVü transducer, to retailers, distributors, and end users.

37. Garmin's retailers, distributors, and end users directly infringe, literally and/or under the doctrine of equivalents, the '840 patent by acts which include, but are not limited to, using the infringing sonar systems in a manner claimed in the '840 patent.

38. Garmin has knowledge of the '840 patent and has known of the '840 patent since at least as early as November 14, 2013.

39. Despite knowledge of the '840 patent, Garmin actively encourages and induces its retailers, distributors, and end users to infringe the '840 patent through, among other things, Garmin's marketing materials, advertising materials, user manuals, and installation manuals. These materials instruct, encourage, and induce Garmin's retailers, distributors, and end users to directly infringe the '840 patent.

40. As such, Garmin has knowingly induced and continued to induce direct infringement of the '840 patent by its retailers, distributors, and end users.

41. Garmin contributes to direct infringement of the '840 patent by its retailers, distributors, and end users by selling, offering for sale, and/or importing its sonar systems, including but not limited to Garmin's echo 551dv, echo 301dv, echo 201dv, echo 151dv, echoMAP 70dv, echoMAP 50dv, GPSMAP 1040xs, GPSMAP 1020xs, GPSMAP 840xs, GPSMAP 820xs, GPSMAP 741xs, GPSMAP 721xs, GPSMAP 547xs, GPSMAP 527xs, GCV 10, DownVü transducers, and DownVü/SideVü transducer. Such sonar systems constitute a material part of the invention of the '840 patent, are not a staple article or commodity of commerce suitable for substantial noninfringing use, and are known by Garmin to be especially made and adapted for use in an infringement of the '840 patent.



42. Garmin's infringement of the '840 patent has been and is willful and deliberate, despite knowing of its infringement and/or having an objectively high likelihood that its actions constitute infringement and/or having a deliberate disregard of, or being willfully blind to, its infringement.

43. Garmin's infringing activities have harmed Navico, and Navico is entitled to recover damages adequate to compensate it for such infringement. Further, Garmin's infringing activities are harming Navico and will continue to harm Navico, causing irreparable injury for which there is no adequate remedy at law unless and until preliminarily and permanently enjoined by the Court.

**COUNT III**  
**INFRINGEMENT OF THE '550 PATENT UNDER 35 U.S.C. § 271**

44. Navico incorporates by reference the allegations contained in Paragraphs 1 through 15 above.

45. Pursuant to 35 U.S.C. § 282, the '550 patent is presumed valid.

46. Garmin has made, used, sold, offered to sell, and/or imported into the United States sonar systems with downscan imaging, including but not limited to Garmin's GCV 10 and DownVü/SideVü transducer, that infringe the '550 patent, and continues to do so without authority from Navico.

47. Garmin is directly infringing, literally and/or under the doctrine of equivalents, the '550 patent, including but not limited to Claim 1 of the '550 patent.

48. Garmin's infringing acts include, but are not limited to, the manufacture, use, sale, offer for sale, and/or importation of infringing sonar systems, including but not limited to Garmin's GCV 10 and DownVü/SideVü transducer. Garmin is therefore liable for direct infringement of the '550 patent pursuant to 35 U.S.C. § 271(a).

49. Garmin has indirectly infringed the '550 patent by inducing infringement under 35 U.S.C. § 271(b) and by contributing to infringement under 35 U.S.C. § 271(c).

50. Garmin markets, advertises, sells, and offers for sale its sonar systems, including but not limited to Garmin's GCV 10 and DownVü/SideVü transducer, to retailers, distributors, and end users.

51. Garmin's retailers, distributors, and end users directly infringe, literally and/or under the doctrine of equivalents, the '550 patent by acts which include, but are not limited to, using the infringing sonar systems in a manner claimed in the '550 patent.

52. Garmin has knowledge of the '550 patent and has known of the '550 patent since at least as early as June 4, 2014.

53. Despite knowledge of the '550 patent, Garmin actively encourages and induces its retailers, distributors, and end users to infringe the '550 patent through, among other things, Garmin's marketing materials, advertising materials, user manuals, and installation manuals. These materials instruct, encourage, and induce Garmin's retailers, distributors, and end users to directly infringe the '550 patent.

54. As such, Garmin has knowingly induced and continued to induce direct infringement of the '550 patent by its retailers, distributors, and end users.

55. Garmin contributes to direct infringement of the '550 patent by its retailers, distributors, and end users by selling, offering for sale, and/or importing its sonar systems, including but not limited to Garmin's GCV 10 and DownVü/SideVü transducer. Such sonar systems constitute a material part of the invention of the '550 patent, are not a staple article or commodity of commerce suitable for substantial

noninfringing use, and are known by Garmin to be especially made and adapted for use in an infringement of the '550 patent.

56. Garmin's infringement of the '550 patent has been and is willful and deliberate, despite knowing of its infringement and/or having an objectively high likelihood that its actions constitute infringement and/or having a deliberate disregard of, or being willfully blind to, its infringement.

57. Garmin's infringing activities have harmed Navico, and Navico is entitled to recover damages adequate to compensate it for such infringement. Further, Garmin's infringing activities are harming Navico and will continue to harm Navico, causing irreparable injury for which there is no adequate remedy at law unless and until preliminarily and permanently enjoined by the Court.

#### **RELIEF SOUGHT**

WHEREFORE, Navico respectfully requests that the Court enter judgment against Garmin and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Navico and against Garmin for direct infringement of the '499 patent;
- B. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '499 patent by inducing such infringement;
- C. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '499 patent by contributing to such infringement;

D. The entry of judgment in favor of Navico and against Garmin for direct infringement of the '840 patent;

E. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '840 patent by inducing such infringement;

F. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '840 patent by contributing to such infringement;

G. The entry of judgment in favor of Navico and against Garmin for direct infringement of the '550 patent;

H. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '550 patent by inducing such infringement;

I. The entry of judgment in favor of Navico and against Garmin for indirect infringement of the '550 patent by contributing to such infringement;

J. An award of damages against Garmin for an amount that will adequately compensate Navico for Garmin's infringement, but under no circumstances an amount less than a reasonable royalty for Garmin's use of Navico's patented inventions as permitted by 35 U.S.C. § 284;

K. An award to Navico of all remedies available under 35 U.S.C. §§ 284 and 285;

L. A preliminary and permanent injunction prohibiting Garmin and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, from further infringement of the '499 patent;

M. A preliminary and permanent injunction prohibiting Garmin and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, from further infringement of the '840 patent;

N. A preliminary and permanent injunction prohibiting Garmin and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, from further infringement of the '550 patent;

O. The entry of judgment in favor of Navico and against Garmin for pre-judgment and post-judgment interest on all damages awarded to Navico; and

P. The entry of such other and further relief that Navico is entitled to under law and any other and further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

Navico requests a trial by jury on all issues presented in this Complaint.

Dated: June 4, 2014

Respectfully submitted,



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# **EXHIBIT A**

**Certified Copy of U.S. Patent No. 8,300,499**

U 7427987

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

July 10, 2013

**THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM  
THE RECORDS OF THIS OFFICE OF:**

**U.S. PATENT: 8,300,499**  
**ISSUE DATE: October 30, 2012**

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



**T. LAWRENCE**  
Certifying Officer







US008300499B2

(12) **United States Patent**  
**Coleman et al.**

(10) **Patent No.:** **US 8,300,499 B2**  
(45) **Date of Patent:** **Oct. 30, 2012**

(54) **LINEAR AND CIRCULAR DOWNSCAN IMAGING SONAR**

(75) **Inventors:** **Aaron R. Coleman**, Broken Arrow, OK (US); **Jeffrey W. Hanoach**, Broken Arrow, OK (US); **Brian T. Maguire**, Broken Arrow, OK (US)

(73) **Assignee:** **Navico, Inc.**, Tulsa, OK (US)

(\*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 265 days.

(21) **Appl. No.:** **12/460,093**

(22) **Filed:** **Jul. 14, 2009**

(65) **Prior Publication Data**  
US 2011/0013484 A1 Jan. 20, 2011

(51) **Int. Cl.**  
**G01S 15/00** (2006.01)

(52) **U.S. Cl.** ..... 367/88

(58) **Field of Classification Search** ..... 367/87, 367/88

See application file for complete search history.

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**Primary Examiner** — Isam Alsomiri

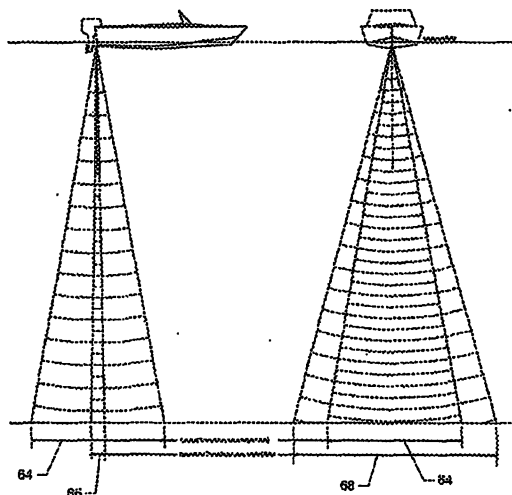
**Assistant Examiner** — James Hulka

(74) **Attorney, Agent, or Firm** — Alston & Bird LLP

(57) **ABSTRACT**

A method for providing a combined linear and circular downscan sonar display may include receiving linear downscan sonar data from a linear downscan transducer, receiving conical downscan sonar data from a circular downscan transducer, and combining the linear downscan sonar data and the conical downscan sonar data to produce combined downscan sonar data. A corresponding computer program product and apparatus are also provided.

**81 Claims, 17 Drawing Sheets**  
(5 of 17 Drawing Sheet(s) Filed in Color)



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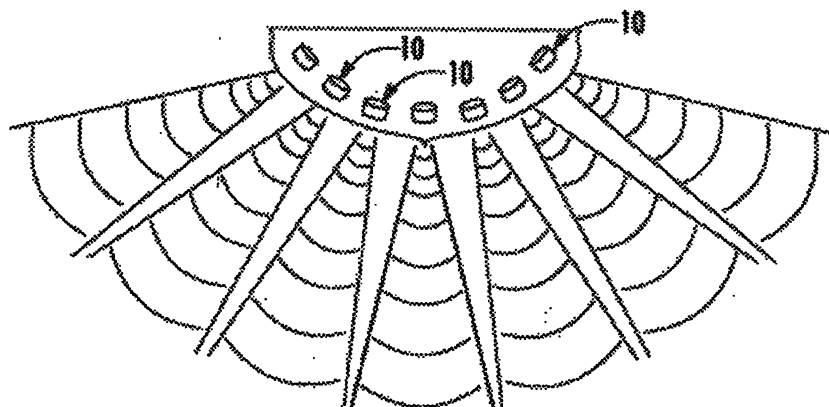
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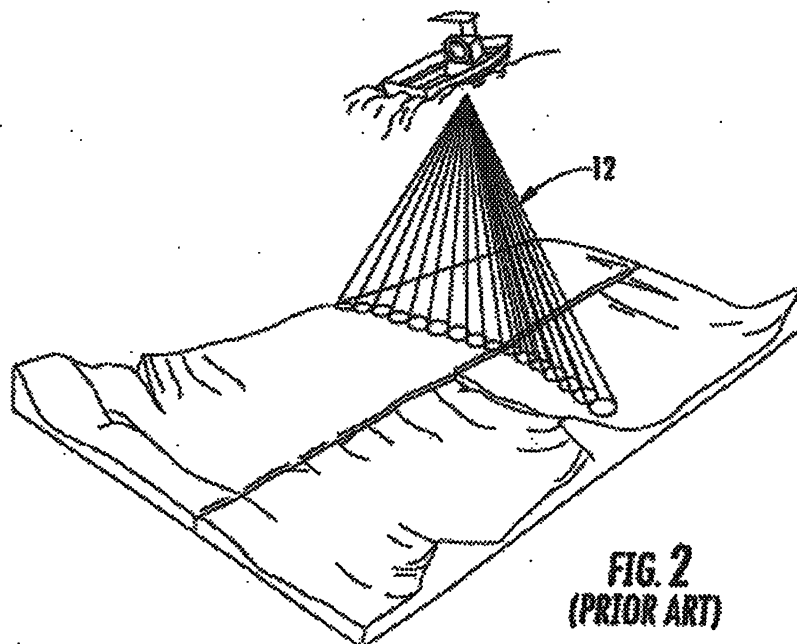
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**FIG. 1**  
**(PRIOR ART)**



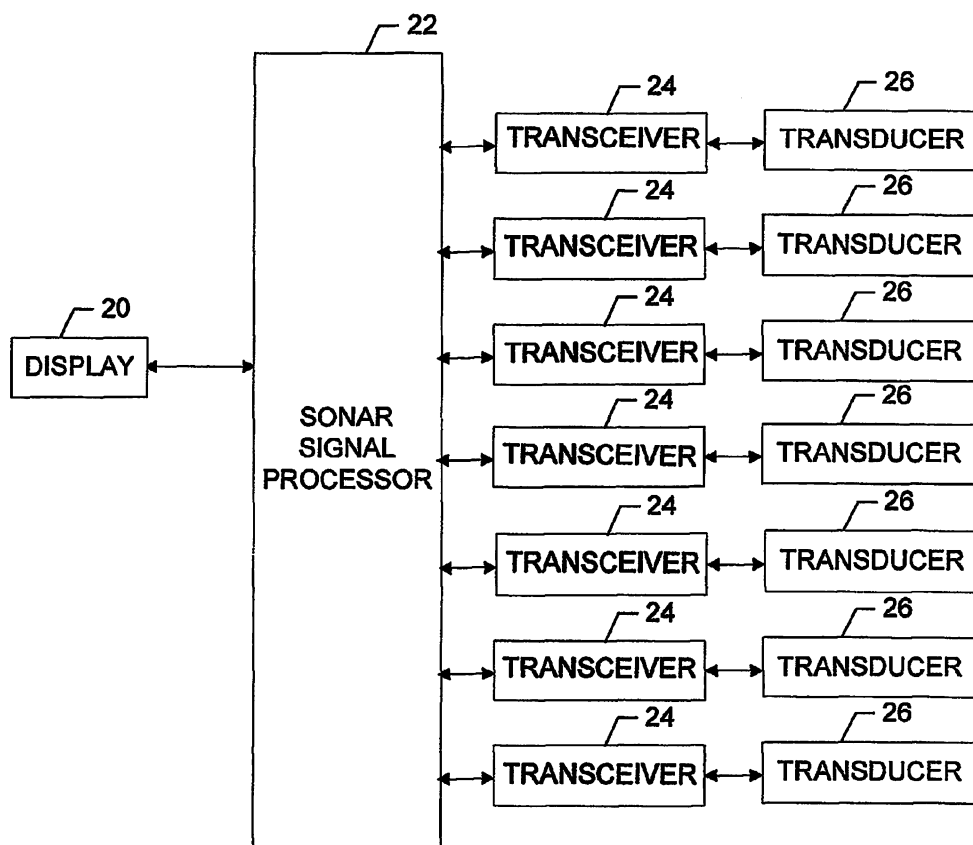
**FIG. 2**  
**(PRIOR ART)**

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**FIG. 3.**  
**(Prior Art)**

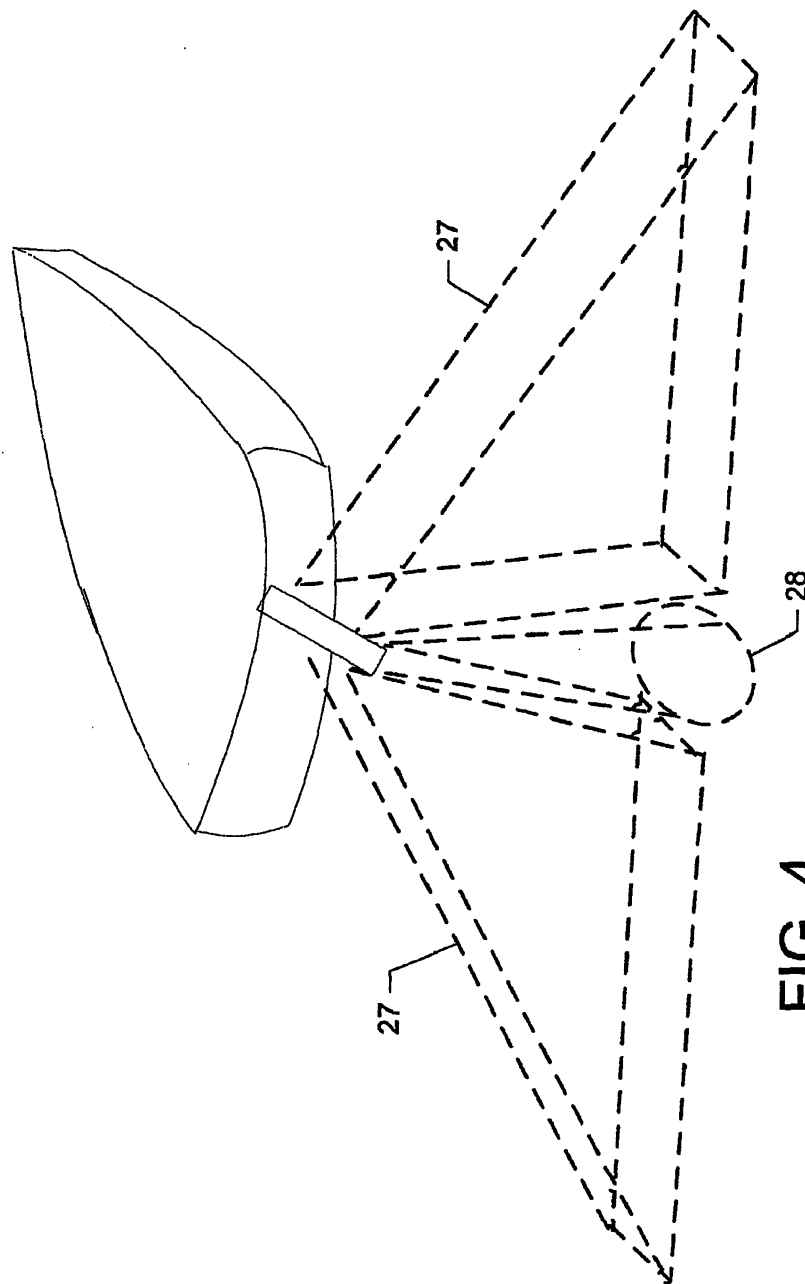


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**FIG. 4.**  
**(Prior Art)**